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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/802,274 | 03/17/2004 | Todd L. DePue | 1-74556 | 4234 |

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

| EXAMINER | |
|---|---|
| COLETTA, LORI L | |
| **ART UNIT** | **PAPER NUMBER** |
| 3612 | |

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/802,274 | DEPUE ET AL. | |
| | Examiner | Art Unit | |
| | Lori L. Coletta | 3612 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *16 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-5 and 7-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-19 and 21-24* is/are rejected.

7)☒ Claim(s) *20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *3-17-04* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-9 and 11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Jankovic 5,601,269.

Regarding claim 1, Jankovic '269 discloses a door assembly for an interior component of a vehicle comprising a door body moveably attached to an interior component of a vehicle; a sensor adapted to generate a signal that is a function of a desired position of said door body; and an actuator selectively coupled to said door body, wherein said actuator is adapted to move said door body in response to said signal to achieve a desired position of said door body relative to said interior components.

Regarding claim 2, Jankovic '269 discloses the door assembly, wherein said interior component includes an outer surface defining an opening therein and wherein said door body is movable between a closed position in which the door body is positioned generally flush with said outer surface of said interior component to cover the opening within the interior component and an open position in which the door body is positioned to allow access to the opening within the interior compartment from the passenger compartment of the vehicle.

Regarding claim 3, Jankovic '269 discloses the door assembly, wherein said actuator is adapted to move said door body to said open position in response to said signal.

Regarding claim 4, Jankovic '269 discloses a door assembly comprising an interior component of a vehicle including an outer surface defining an opening therein; a door body movably attached to the interior component of a vehicle, said door panel being movable between a closed position in which the door body is positioned generally flush with said outer surface of said interior component to cover the opening within the interior component and an open position in which the door body is positioned to allow access to the opening within the interior component from the passenger compartment of the vehicle; a sensor adapted to generate a signal that is a function of a desired position of said door body; and an actuator adapted to generate a signal that is a function of a desired position of said door body; and an actuator selectively coupled to said door body, said actuator operable to move said door body to said closed position in response to said signal.

Regarding claim 5, Jankovic '269 discloses the door assembly, wherein said actuator is adapted to move said door body from said closed position to a position flush with said outer surface of said interior component in response to said signal.

Regarding claim 7, Jankovic '269 discloses the door assembly for an interior component of a vehicle comprising a door body movable attached to an interior component of a vehicle; a sensor adapted to generate a signal that is a function of a desired position of said door body; and an actuator selectively coupled to said door body, said actuator operable to enable said door body to move in response to said signal wherein said signal is a function of at least one of the distance between said door body and said interior component , the distance between said sensor and said door body, and said sensor and said interior component.

Regarding claim 8, Jankovic '269 discloses a door assembly for an interior component of a vehicle comprising a door body movably attached to an interior component of a vehicle; a sensor adapted to generate a signal that is a function of a desired position of said door body; and an actuator selectively coupled to said door body, said actuator operable to enable said door body to move in response to said signal wherein said signal is representative of the presence of an object near or in contact with said door assembly.

Regarding claim 9, Jankovic '269 discloses the door assembly, wherein said door assembly further comprises a plurality of sensors, each of said plurality of sensors is capable of detecting at least one of a plurality of conditions.

Regarding claim 11, Jankovic '269 discloses the door assembly, wherein said door assembly further includes a latch mechanism to retain said door body to said interior component.

Regarding claim 12, Jankovic '269 discloses the door assembly, wherein said latching mechanism is incorporated within said actuator.

Regarding claim 13, Jankovic '269 discloses the door assembly, wherein said actuator is adapted to restrain said body door in a desired position relative to said interior component.

Regarding claim 14, Jankovic '269 discloses the door assembly, wherein at least a portion of said sensor is positioned on said interior component.

Regarding claim 15, Jankovic '269 discloses the door assembly, wherein said door body includes an inner surface and an outer surface, and wherein said sensor is positioned on at least one of said inner surface of said door body and said outer surface of said door body.

Regarding claim 16, Jankovic '269 discloses a door assembly for an interior component of a vehicle comprising a door body attached to an interior component of a vehicle; a sensor adapted to generate a signal that is a function of a desired position of said door body; and an actuator selectively coupled to said door body, said actuator operable to enable said door body to move in response to said signal, wherein said sensor is positioned within said door body such that said sensor is not visible from within the passenger compartment of the vehicle and such that said sensor is adapted to detect a condition occurring near said door assembly within the passenger compartment of the vehicle.

Regarding claim 17, Jankovic '269 discloses the door assembly, wherein said actuator comprises a motor assembly.

Regarding claim 18, Jankovic '269 discloses the door assembly, further comprising a controller, wherein said controller is a microprocessor capable of receiving said signal from said sensor and generating a signal to said actuator.

Regarding claim 19, Jankovic '269 discloses the door assembly, wherein said sensor within said interior component. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 10 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jankovic 5,601,269 in view of Sicuranza 2002/0189168.

Regarding claim 10, Jankovic '269 discloses the door assembly but does not show wherein the sensor includes at least one of an optical sensor and Hall Effect device.

Sicuranza '168 teaches field effect sensor which stop the door movement or prevent the door movement. Hall effect sensors are field effect sensors.

Regarding claim 10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the door assembly of Jankovic '269 with a field effect sensor, as taught by Sicuranza '168, in order to prevent the door movement.

Regarding claim 21, Jankovic '269 discloses a door assembly for a vehicle comprising an interior component defining a storage compartment having an opening; a door body movably attached to said interior component of selectively cover said opening; an actuator selectively coupled to said door body, wherein said actuator is operable to enable aid door body to move relative to said interior component; a controller for receiving said signal from said sensor and operating said actuator to enable said door body to move relative to the component.

However, Jankovic '269 does not show a field effect sensor, which provides an electrical field such that when a stimulus interrupts and generates a signal.

Sicuranza '168 teaches field effect sensor which stop the door movement or prevent the door movement. Hall effect sensors are field effect sensors.

Regarding claim 21, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the door assembly of Jankovic '269 with a field effect sensor, as taught by Sicuranza '168, in order to prevent the door movement.

Regarding claim 22, Jankovic '269, as modified, discloses the door assembly wherein said actuator is a latch mechanism adapted to selectively release said door body and permit said door body to move and open said storage compartment.

Regarding claim 23, Jankovic '269, as modified, discloses the door assembly wherein said actuator includes an electric motor for moving said door body relative to said component.

Regarding claim 24, Jankovic '269, as modified, discloses the door assembly, wherein said field effect sensor is located remotely from said door body.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-5, 7-19 and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

6. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other door assemblies similar to that of the current invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is 571-272-6658. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lori L. Coletta

Lori L. Coletta
Primary Examiner
Art Unit 3612

llc
December 13, 2005